

Hon. Barbara Rothstein
Hon. Michelle Peterson

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

JAMES and SHAYLEE MEDICRAFT,
husband and wife and the marital
community thereof, themselves and on
behalf of their minor children: J.M., A.M.,
E.M., M.M. and N.M.,

Plaintiffs,

v.

THE STATE OF WASHINGTON, et al.,

Defendants.

NO. C21-1263-BJR-MLP

ORDER GRANTING
STIPULATED MOTION FOR
FRCP 35 MEDICAL EXAM OF
MINOR PLAINTIFF E.M

THIS MATTER has come before the Court on Defendants, the State of Washington, Department of Children Youth and Families (DCYF); Tanessa Sanchez and John Doe Sanchez; Tabitha Culp and John Doe Culp; Elizabeth Sterbick and John Doe Sterbick; Tabitha Pomeroy and John Doe Pomeroy; Ross Hunter and Jane Doe Hunter; Bonnie White and John Doe White's Stipulated Motion for FRCP 35 Medical Exam Of Minor Plaintiffs, said Defendants appearing through Robert W. Ferguson, Attorney General, and Assistant Attorneys General, Peter Kay; Tender Defense appearing through Paine Hamblen; Plaintiffs, appearing through their counsel, Nathan J. Arnold; Defendants Derek Leuzzi and Jane Doe Leuzzi, appearing through their counsel,

1 Emma Gillespie and Kelsey Norman; Defendant Phoenix Protect Corp., appearing through their
 2 counsel, Eron Z. Cannon and Jesse C. Williams; Defendants Lufti Al Marfadi and Jane Doe
 3 Marfati, appearing through their counsel, Benjamin J. Lantz; and all parties having stipulated and
 4 the Court having considered the Stipulated Motion, and the agreed stipulation by all of the parties,
 5 and good cause appearing, now, therefore:

6 **ORDERS and ADJUDGES** the following:

7
 8 1. The Independent Mental Exam of minor Plaintiff E.M. by Dr. Jill McGovern will be held
 9 as follows:

10 a. Date and time of Examination: Wednesday January 11, 2023 at 9:00 A.M and continuing
 11 as needed, with reasonable breaks, including time for lunch, until no later than 5:00 P.M.

12 b. Location of Examination: Charleston, South Carolina

13 c. Examiner: Dr. Jill McGovern, Ph.d.

14 d. Scope: The examination is to evaluate the Plaintiff's past mental and emotional trauma,
 15 adaptive functioning, current mental health/psychological concerns and any future mental
 16 health/psychological treatment. The examination will include a records review, the
 17 administration of valid and reliable testing routinely used by forensic mental health experts to
 18 evaluate minor children, rapport building, and a clinical interview. The examination will be
 19 conducted according to professional standards as to the examination of minors. No invasive tests,
 20 such as MRI's, blood testing, or X-rays shall be administered during the examination.

21 2. The Plaintiff may have a representative present, who is not a potential witness, friend, or
 22 a relative of the Plaintiff. The representative may observe, but may not interfere or obstruct the
 23 examination.

24 3. The examination may be audio taped or videotaped, as long as the recording is
 25 unobtrusive. However, no recording shall be permitted during the testing portion of the
 26 examination.

1 4. Any raw data for any testing performed shall be made available to the Plaintiff's retained
2 psychological expert(s) upon request.

3 5. Pursuant to FRCP 35, Plaintiff hereby requests, and Defendants shall produce, a signed
4 written report setting forth the examiner's findings, including diagnosis, conclusions, and the
5 results of any testing within forty-five (45) days of the examination.

6 DATED this 6th of January 2023.

7
8 

9 MICHELLE L. PETERSON
10 United States Magistrate Judge
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26